IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1098 OF 2005

Eknath Maruti Gadade and others ... Petitioners

v/s

Valabai Namdeo Gadade ... Respondent

Mr S.S. Patwardhan for Petitioners.

Mr P.A. Pol and Mr H.G. Wakshe for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 24TH AUGUST 2005.

P.C. :-

1. By this petition, the petitioners challenge only that part of the order dated 7th October 2004 by which after the petitioners withdrew their application for succession certificate, the Court directed that despite withdrawal of application by the petitioners, an objection filed by third party at Exh.17 lies an independent application filed for succession certificate at Exh.11 will be a separate process. As by application at Exh.11, a third party was claiming succession certificate in her own favour, the Court was justified in deciding to process that application despite withdrawal of the application. Obviously since nothing remain in challenge in the petition, the petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.